

KAREN P. HEWITT
United States Attorney
CAROLINE P. HAN
Assistant U.S. Attorney
California State Bar No. 250301
United States Attorney's Office
880 Front Street, Room 6293
San Diego, California 92101-8893
Phone: (619) 557-5220
Fax: (619) 235-2757
E-mail: caroline.han@usdoj.gov

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal Case No. 08CR1919-IEG
)	
Plaintiff,)	GOVERNMENT'S:
v.)	
)	(1) MOTION FOR PRODUCTION OF
TROY JOHN RITTENHOUSE,)	RECIPROCAL DISCOVERY
)	
Defendant.)	
)	
)	Date: August 4, 2008
)	Time: 2:00 p.m.
)	Court: The Hon. Irma E. Gonzalez

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, United States Attorney, Karen P. Hewitt, and Assistant U.S. Attorney Caroline P. Han, and hereby files its Motion for Production of Reciprocal Discovery, together with the attached Statement of Facts, and Memorandum of Points and Authorities.

//

//

//

//

//

//

I

STATEMENT OF FACTS

On May 22, 2008 at approximately 12:40 am, the defendant attempted to enter the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 2005 blue Chevrolet Silverado bearing California license plate 7B23171. Defendant presented a United States passport bearing the name of Jerome Robert Domane to the Customs and Border Protection (CBP) primary inspection officer. In addition, the officer observed that the defendant stated that he was not bringing anything from Mexico. The officer asked the defendant to turn the vehicle off, and for the defendant to give the keys to the vehicle to the officer. Thereafter, the officer observed that none of the keys matched the vehicle. The officer also observed humans concealed under a cloth in the extended cab of the vehicle. Thereafter, the defendant and the vehicle were referred for secondary inspection.

In the secondary inspection area, CBP officers removed six people from the extended cab of the vehicle. They were all interviewed, and it was determined that they were Mexican citizens with no legal right to enter or remain in the United States. Among the group were Martin Vaca-Soto, Araceli Julian-Estrada, and Josefina Perez-Garcia who were all chosen as material witnesses. The defendant was placed under arrest and taken into custody. The defendant was then fingerprinted, and his true identity of Troy John Rittenhouse was revealed.

The defendant was advised of his Miranda rights and invoked his right to remain silent at approximately 3:45 am.

The material witnesses were also interviewed, and they all stated that they were Mexican citizens with no legal right to enter or remain in the United States. Martin Vaca-Soto stated that he was paying \$3000 to be smuggled into the United States, and Araceli Julian-Estrada and Josefina Perez-Garcia stated that their smuggling fee was undetermined.

II

GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY**(1) All Evidence That The Defendant Intend To Introduce In Their Cases-In-Chief**

Since the Government will honor the defendant's requests for disclosure under Rule 16(a)(1)(E), the Government is entitled to reciprocal discovery under Rule 16(b)(1). Pursuant to Rule 16(b)(1), requests that the defendant, photographs, tangible objects, or make copies or portions thereof, which are within the possession, custody, or control of the defendant and which the defendant intend to introduce as evidence in his case-in-chief at trial.

The Government further requests that it be permitted to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, which are in the possession and control of the defendant, which they intend to introduce as evidence-in-chief at the trial, or which were prepared by a witness whom the defendant intend to call as a witness. The Government also requests that the Court make such order as it deems necessary under Rules 16(d)(1) and (2) to ensure that the Government receives the reciprocal discovery to which it is entitled.

(2) Reciprocal Jencks – Statements By Defense Witnesses (Other Than The Defendant)

Rule 26.2 provides for the reciprocal production of Jencks material. Rule 26.2 requires production of the prior statements of all witnesses, except a statement made by the defendant. The time frame established by Rule 26.2 requires the statements to be provided to the Government after the witness has testified. However, to expedite trial proceedings, the Government hereby requests that the defendant be ordered to provide all prior statements of defense witnesses by a reasonable date before trial to be set by the Court. Such an order should include any form in which these statements are memorialized, including but not limited to, tape recordings, handwritten or typed notes and reports.

//

//

III

CONCLUSION

For the foregoing reasons, the Government requests that the Court grant the Government's motion for reciprocal discovery.

DATED: July 28, 2008

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

/s/ *Caroline P. Han*
CAROLINE P. HAN
Assistant United States Attorney
Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Criminal Case No. 08CR1919-IEG
Plaintiff,)
v.) CERTIFICATE OF SERVICE
TROY JOHN RITTENHOUSE,)
Defendant.)
_____)

IT IS HEREBY CERTIFIED THAT:

I, Caroline P. Han, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

Antonio Yoon
Attorney for the defendant

I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

None

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 2008.

/s/ *Caroline P. Han*

CAROLINE P. HAN